

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   AUSTIN DIVISION

3       JOHN DOE,

4           Plaintiff

5       VS.

7       AUSTIN INDEPENDENT  
8       SCHOOL DISTRICT,

9           Defendant

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\* CIVIL ACTION NO.  
\* A-07-CA-017-SS

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10                   ORAL AND VIDEOTAPED DEPOSITION OF  
11                   JEREMY HOWELL

12                   SEPTEMBER 17, 2007

13                   \*\*\*\*\*

14                   \*\*\*\*\*  
15  
16           ORAL AND VIDEOTAPED DEPOSITION OF JEREMY HOWELL,  
17   produced as a witness at the instance of the DEFENDANT,  
18   and duly sworn, was taken in the above-styled and  
19   numbered cause on the 17th of SEPTEMBER, 2007, from 10:07  
20   a.m. to 5:22 p.m., before MELISSA PARKHILL, CSR, in and  
21   for the State of Texas, reported by machine shorthand, at  
22   the offices of Cole & Powell, 400 W. 15th Street, Suite  
23   304, Austin, Travis County, Texas, pursuant to the  
24   Federal Rules of Civil Procedure and the provisions  
25   stated on the record or attached hereto.

## A P P E A R A N C E S

## FOR THE PLAINTIFF:

Randal Mathis, Esq.  
Mathis & Donheiser, P.C.  
4600 Trammell Crow Center  
2001 Ross Avenue  
Dallas, Texas 75201  
214.661.8915  
rmathis@mathisdonheimer.com

## FOR THE DEFENDANTS:

Kevin W. Cole, Esq.  
Cole & Powell, P.C.  
400 W. 15th Street, Suite 304  
Austin, Texas 78701  
512.482.0003  
kevin@colenpowell.com

## ALSO PRESENT:

Patrick Martin, Videographer

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## EXHIBITS

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1 VIDEOGRAPHER: This is the videotaped  
2 deposition of Jeremy Howell. This is the beginning of  
3 tape one. Today's date is September 17, 2007. We're on  
4 the record at 10:07 a.m.

5 COURT REPORTER: Mr. Howell, I need to  
6 swear you in before we get started. Would you raise your  
7 right hand, please.

8 JEREMY HOWELL,  
9 having been first duly sworn, testified as follows:

10 COURT REPORTER: Thank you.

11 EXAMINATION

12 BY MR. COLE:

13 Q. Please state your name for the record.

14 A. **Jeremy Howell.**

15 Q. Could you spell your last name?

16 A. **H-o-w-e-l-l.**

17 Q. Do you have a middle name?

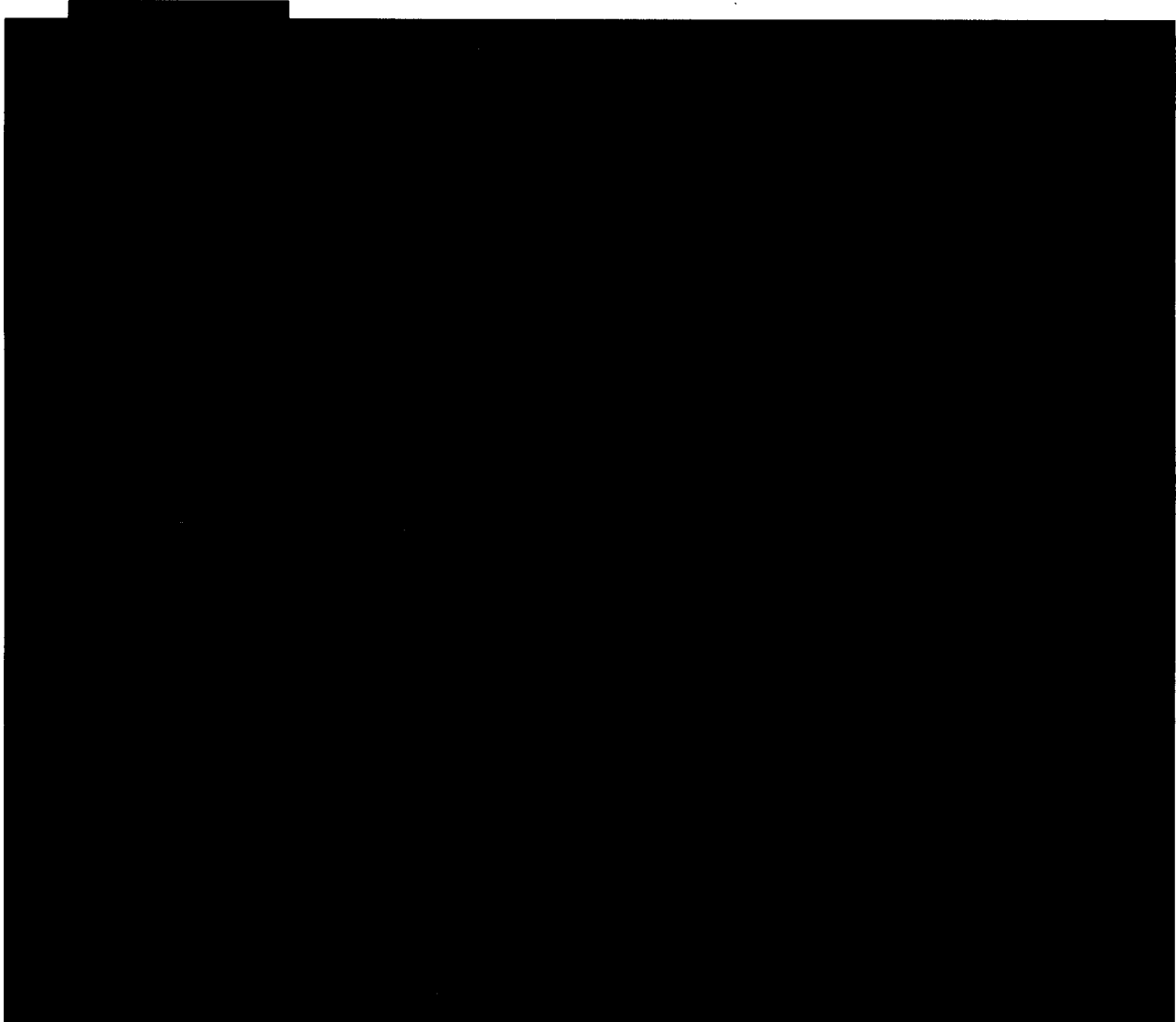
18 A. **Wayne.**

19 Q. Okay. Mr. Howell, my name is Kevin Cole. I'm  
20 the attorney for the Austin Independent School District  
21 in the lawsuit that you filed against Austin Independent  
22 School District and James Johnston. Do you understand  
23 that?

24 A. **Yes.**

25 Q. Be sure and speak up so that he catches

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19           Q.    Now, you said earlier that you never saw this  
20 James Johnston guy after the date he was fired from Bowie  
21 High School.

22           **A.    Yes.**

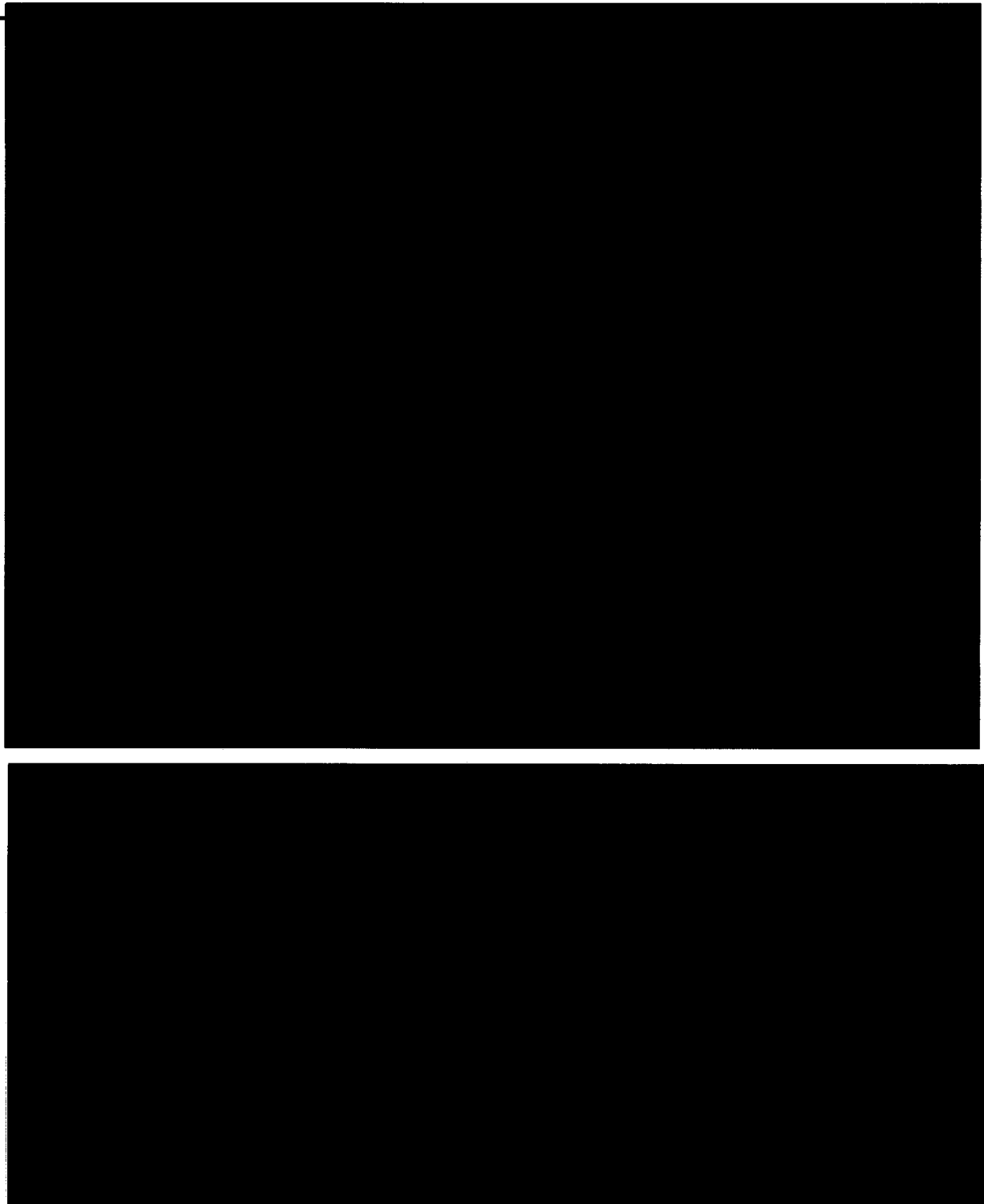
23           Q.    You never tried to contact him?

24           **A.    No.**

25           Q.    And he never contacted you?

**A. No.**

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Q. Now, in November of last year, I guess that's around the time you would have been living with your mom, you contacted the Austin Police Department, did you not?

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A. Yes.

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Q. Why did you do that?

9

A. I initially contacted the police department very shortly after everything was found out with James. And I went back to follow up with that initial contact whenever I was -- I guess that's whatever record you have, the most recent one -- the most recent contact I had with them. I called to follow up with it.

15

Q. All right. It's your testimony that sometime in the spring of 2004 around the time that James Johnston's contract with A.I.S.D. was terminated, you contacted the Austin Police Department?

19

A. Yes.

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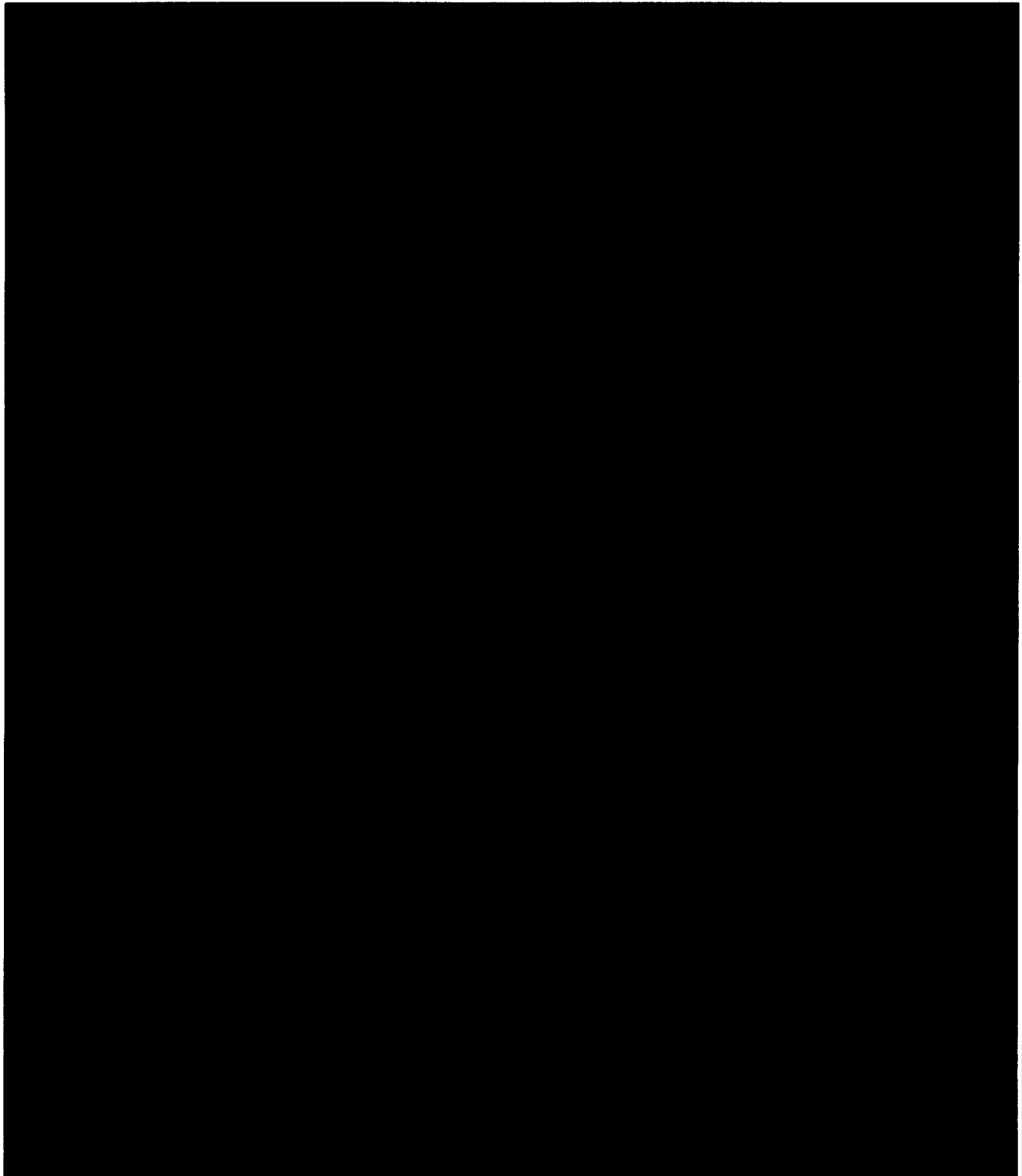
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Q. Did you have any physical injuries from your



1 interactions with James Johnston?

2 A. I had very bad -- I basically, in the words of  
3 my dad, pissed razors for about two weeks, and I had to  
4 go get tested for S.T.D.s. Other than that, physically,  
5 no, I was not hurt.

6 Q. I'm not familiar with the phrase "pissed  
7 razors."

8 A. I'm not either. It was one of his. And that's  
9 really the only way -- it was excruciating to use the  
10 restroom for two weeks. When I urinated, it felt like I  
11 was peeing a razor. It felt like every time I used the  
12 restroom, it was cutting the inside of my penis.

13 Q. Did you -- You say you were tested for sexually  
14 transmitted diseases; is that right?

15 A. Uh-huh.

16 Q. Yes?

17 A. Yes.

18 Q. Did you -- Were you, in fact, infected with  
19 some sort of --

20 A. No.

21 Q. -- sexually transmitted disease?

22 A. No.

23 Q. And do you recall when it was you were tested?

24 A. I was tested very promptly after James was  
25 found out when I started using the restroom, and it was

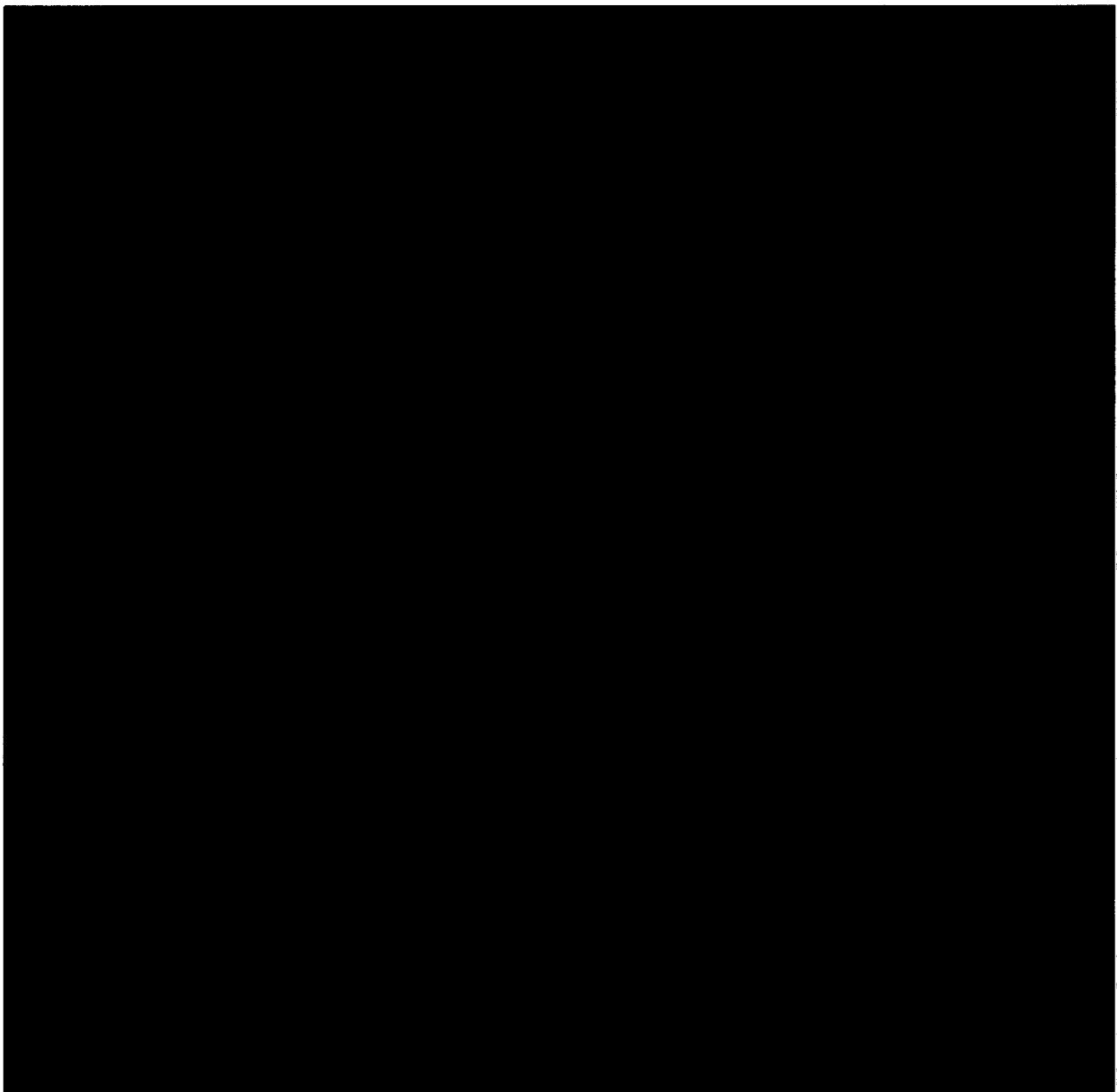
1     **excruciating to use the restroom.**

2           Q.     Did you go to your family doctor?

3           A.     **Yes.**

4           Q.     And that's where the test was done?

5           A.     **Yes.**





February 7, 2007

Kevin W. Cole, Esq.  
Cole & Powell  
400 West 15<sup>th</sup> Street, Suite 301  
Austin, Texas 78701

Via Facsimile: (512) 482-0013

RE: Cause No. A-07-CA-017SS; John Doe Vs. Austin I.S.D.

**DEPOSITION OF: JEREMY HOWELL**

In accordance with the Rules of Civil Procedure, please find attached the certificate from the above referenced deposition. The original deposition was submitted to the above named witness via USPS-Priority Mail to attorney of record Randal Mathis, Mathis & Donheiser, P.C., 4600 Trammel Crow Center, 2001 Ross Avenue, Dallas, Texas 75201 on October 2, 2007. Please note that the **original transcript was not returned to this office** with signature and/or corrections.

By copy of this letter, all counsel is hereby notified of same.

Sincerely,

LUPE MUNOZ  
Legal Support Manager

Attachments

cc: Randal Mathis, Esq. (via facsimile 214-303-0399)

**Austin**  
tel | 512 | 320 8690  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

JOHN DOE

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CIVIL ACTION

VS.

\*

NO. A-07-CA-107-SS

\*

~~AUSTIN INDEPENDENT~~

\*

SCHOOL DISTRICT

\*

REPORTER'S CERTIFICATION  
DEPOSITION OF JEREMY HOWELL  
SEPTEMBER 17, 2007

I, MELISSA PARKHILL, Certified Shorthand Reporter in  
and for the State of Texas, hereby certify to the  
following:

That the witness, JEREMY HOWELL, was duly sworn by  
the officer and that the transcript of the oral  
deposition is a true record of the testimony given by the  
witness;

That the deposition transcript was submitted on  
October 2, 2006 to the witness or to the attorney  
for the witness for examination, signature and return to  
me by November 2, 2006;

That the amount of time used by each party at the  
deposition is as follows:

Randal Mathis.....0:03

Kevin W. Cole.....5:01

1 That pursuant to information given to the deposition  
2 officer at the time said testimony was taken, the  
3 following includes counsel for all parties of record:


4 Randal Mathis, Attorney for Plaintiff

5 Kevin W. Cole, Attorney for Defendant

6  
7 That \$ 1,227.<sup>00</sup> is the deposition officer's charges  
8 to the Defendant for preparing the original deposition  
9 transcript and any copies of exhibits;

10 I further certify that I am neither counsel for,  
11 related to, nor employed by any of the parties or  
12 attorneys in the action in which this proceeding was  
13 taken, and further that I am not financially or otherwise  
14 interested in the outcome of the action.

15 Certified to by me this 27th of September, 2007.

16  
17   
18 MELISSA PARKHILL  
19 Texas CSR No. 5354  
20 Expiration Date: 12/31/08  
21 Integrity Legal Support Solutions  
22 CRCB Reg. No. 528  
23 114 W. 7th Street, Suite 240  
24 Austin, Texas 78701  
25 512.320.8690  
512.320.8692 (FAX)